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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel PEREZ-Hernandez,

Defendant

Magistrate Docket No. 07DEC10 AM 10:10

By: 

COMPLAINT FOR VIOLATION OF:

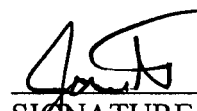
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

'07 MJ 2847

The undersigned complainant, being duly sworn, states:

On or about **December 9, 2007** within the Southern District of California, defendant, **Miguel PEREZ-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

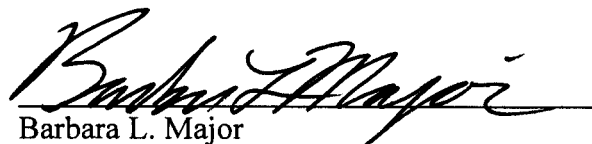
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **DECEMBER** **2007**



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Miguel PEREZ-Hernandez****PROBABLE CAUSE STATEMENT**

On December 9, 2007 at approximately 7:00 A.M, Border Patrol Agent J. McKenzie was performing linewatch duties in the Imperial Beach Border Patrol Station area of responsibility. While traveling southbound on Hollister Street approaching the Sunset Street intersection, an area which is approximately three miles west of the San Ysidro Port of Entry and one mile north of the United States/Mexico international boundary he observed an individual begin to run as he was approaching the area.

Agent McKenzie exited his vehicle, identified himself as a United States Border Patrol Agent and after a brief foot pursuit, the subject later identified as the defendant **Miguel PEREZ-Hernandez** was detained. Agent McKenzie later questioned the defendant as to his citizenship and nationality and freely admitted to being a citizen and national of Mexico illegally in the United States, not in possession of any documentation that would allow him to enter or remain in the United States legally. The defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 24, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents allowing him to enter or remain in the United States legally.